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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,798	02/27/2004	Willy Van Hoya	P68391	7341

1914 7590 05/02/2007  
SAMSONITE CORPORATION  
11200 EAST 45TH AVENUE  
DENVER, CO 80239

EXAMINER
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MAI, TRI M

ART UNIT	PAPER NUMBER
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3781

MAIL DATE	DELIVERY MODE
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05/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/788,798	Applicant(s) VAN HOYE ET AL.	
	Examiner Tri M. Mai	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8,9 and 19-23 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8,9 and 19-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

1. The drawings are objected to:

The drawings use numeral 11-13 to designate walls in Fig. 1 and the various layers in Fig. 3, 5A-7. Applicant to use different figures if these numerals are used to designate other elements of the device.

2. Applicant to provide an IDS so that all references and be considered.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (5252161) in view of Hofferbert. Chang teaches a shell with a broad face formed of a fabric and foam layer 84 and 86, and a and extreme edge at 94 is substantially thinner (note that portion welting portion 88 is part of the shell that can be attached by welding, col. 11, ln. 5). To attach portion 88 by welding to the frame of Hofferbert would have been obvious to provide an alternative shell to the luggage since Hofferbert also teaches the shell can be attached to the frame welding.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hofferbert in view of Long (2510643). Hofferbert teaches a luggage with a fabric autogenously attached to the frame (welding). Hofferbert does not teach the thickness at the extreme edge being substantially less than the thickness dimension. Either Long or Untiedt teaches that it is known in the art to provide other regions of the broad panel having a much greater thickness, note portion 7 in Long and Note the raised portion in Untiedt. Also note that Untiedt also teaches that the raised panels can be used in luggage (col. 6, ln. 27). It would have been obvious to one of ordinary skill in the art to provide the broad panel a greater thickness other than the welded edge to provide added decoration and to provide added protection.

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5. Claim 8, and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsieh (5065847) in view of Hofferbert (3335827). Hsieh teaches a luggage with upstanding walls, and a frame 20. The frame having a series of thin upstanding walls (note portion 22 is thin and a thickened edge portion (where bonded to portion 11). Hsieh meets all claimed limitations except for the autogenous bond. Hofferbert teaches that it is known in the art to provide autogenous bond. It would have been obvious to one of ordinary skill in the art to provide autogenous bond as taught Hofferbert to provide an alternative attachment method.

Regarding claim 23, note the foam layer and textile layer (abstract)

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T. Mai

**TRI M. MAI  
PRIMARY EXAMINER**